



1139 South Fourth Street • Louisville, KY 40203 • Phone 502.625.3009 • Fax 502.625.3077

November 5, 2009

Ms. Layna Thrush
U.S. Army Corps of Engineers
Louisville District
600 Dr. Martin Luther King Jr. Place
Louisville, Kentucky 40202

Ms. Joyce Fry
Water Quality Certification Program
Kentucky Division of Water
200 Fair Oaks Lane, 4th Floor
Frankfort, Kentucky 40601

Subject: **Stream Restoration Plan
Padua Stables Project
Fayette County, Kentucky
Redwing Project 09-070
USACE ID No. LRL-2008-1247
ADOW AI No. 80587**

Dear Ms. Thrush and Ms. Fry:

Redwing Ecological Services, Inc. (Redwing), on behalf of Padua Stables (KY), LLC (Padua), respectfully submits this Stream Restoration Plan (Plan) in support of the Padua Stables project in Fayette County, Kentucky. This Plan is being submitted to resolve unauthorized impacts to on-site intermittent streams following the current federal compensatory mitigation guidance issued April 10, 2008.

A Department of the Army Permit was submitted to the U.S. Army Corps of Engineers dated July 10, 2009. The permit was submitted by the farm manager and incorrectly cited Padua as a division of Three Chimneys Farm. Until recently, Padua had not seen the Notice of Violation issued to Three Chimneys Farm by the Kentucky Division of Water or the mitigation plans that had been submitted to the U.S. Army Corps of Engineers. Padua requests that the applicant information be corrected so that they may be directly involved in the project. The correct contact information for the applicant is provided below. A completed Jurisdiction Determination Form is provided as Attachment A.

Padua Stables (KY), LLC
c/o Mr. Satish Sanan
2500 Old Frankfort Pike
Lexington, Kentucky 40510

An Application For Permit To Construct Across or Along A Stream and/or Water Quality Certification (WQC) was submitted to the Kentucky Division of Water dated October 21, 2008. A revised application was submitted dated July 10, 2009. In a letter dated October 19, 2009, the Kentucky Division of Water denied these applications, requesting that a new WQC application be submitted with the Stream Restoration Plan prior to November 9, 2009. An updated application is included as Attachment B.

We trust that this Plan provides the necessary information to allow you to proceed with the resolution of the previous impacts. We appreciate the opportunity to work with you on this project. Please contact Richard Clausen or Ron Thomas at (502) 625-3009 with any questions during your review.

Sincerely,



Richard S. Clausen
Principal
Senior Ecologist



Ronald L. Thomas
Principal
Senior Ecologist

File: 09-070/Report/StreamRestorationPlan

cc: Satish Sanan – Padua Stables (KY), LLC
Sasha Sanan – Padua Stables (KY), LLC
Nadia Sanan – Padua Stables (KY), LLC
Brad Dillon – Greenebaum Doll & McDonald, PLLC

Attachments: Attachment A – Jurisdiction Determination Form
Attachment B – Application For Permit to Construct Across or Along a Stream and/or
Water Quality Certification

ATTACHMENT A

JURISDICTIONAL DETERMINATION FORM

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD):

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:

Padua Stables (KY), LLC
c/o Mr. Satish Sanan
2500 Old Frankfort Pike
Lexington, Kentucky 40510

Represented by:
Redwing Ecological Services, Inc.
1139 South Fourth Street
Louisville, Kentucky 40203

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: CELRL, Padua Stables, LRL-2008-1247

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:

The site is located southwest of the intersection of Alexandria Drive and Old Frankfort Pike in Fayette County, Kentucky. Grading of horse pastures resulted in unauthorized impacts to approximately 4,396 feet of intermittent stream.

(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)

State: Kentucky County/parish/borough: Fayette City: Lexington

Center coordinates of site (lat/long in degree decimal format): Lat. N 38.07070°, Long. W 84.56662°

Name of nearest waterbody: Town Branch

Identify (estimate) amount of waters in the review area:

Non-wetland waters: 5,056 linear feet: width (ft) and/or 0.49 acres.

Cowardin Class:

Stream Flow: Ephemeral

Wetlands: 0.33 acres.

Cowardin Class: PEMC

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal:

Non-Tidal:

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☐ Office (Desk) Determination. Date:

☒ Field Determination. Date(s): May 21, 2009

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable. This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:


SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply)

checked items should be included in case file and, where checked and requested, appropriately reference sources below:

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Redwing, November 6, 2009.
- ☐ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - ☐ Office concurs with data sheets/delineation report.
 - ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps: .
- ☐ Corps navigable waters' study: .
- ☐ U.S. Geological Survey Hydrologic Atlas: .
 - ☐ USGS NHD data.
 - ☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000 – Lexington West, Kentucky.
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Soil Survey of Fayette County, Kentucky (1968).
- ☐ National wetlands inventory map(s). Cite name: .
- ☐ State/Local wetland inventory map(s): .
- ☒ FEMA/FIRM maps: FEMA Q3 Flood Data (1998). Fayette County, Kentucky.
- ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): FSA NAIP Ortho Imagery from kygeonet.ky.gov (1997, 1998, 2007, and 2008).
or ☐ Other (Name & Date):
- ☐ Previous determination(s). File no. and date of response letter:
- ☐ Other information (please specify): .

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

NAME
Regulatory Project Manager
(REQUIRED)

X 
Signature and date of
person requesting preliminary JD
(REQUIRED, unless obtaining the
signature is impracticable)

Site Number	Latitude	Longitude	Cowardin Class	Estimated amount of aquatic resource in review area	Class of aquatic resource
Stream 1	N 38.06955	W 84.55975	R4SB5	660 feet ((0.015 acre)	Non-Section 10, Non-wetland
Stream 2	N 38.06762	W 84.56018	R4SB5	2,450 feet (0.281 acre)	Non-Section 10, Non-wetland
Stream 3	N 38.07462	W 84.56692	R4SB5	1,543 feet (0.162 acre)	Non-Section 10, Non-wetland
Stream 4	N 38.07394	W 84.56602	R4SB5	710 feet (0.016 acre)	Non-Section 10, Non-wetland
Stream 5	N 38.07671	W 84.56739	R4SB5	350 feet (0.016 acre)	Non-Section 10, Non-wetland
Wetland 1	N 38.07556	W 84.56666	PEMC	0.33 acre	Non-Section 10, wetland

ATTACHMENT B

APPLICATION FOR PERMIT TO CONSTRUCT ACROSS OR ALONG A STREAM AND/OR WATER QUALITY CERTIFICATION

COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WATER

APPLICATION FOR PERMIT TO CONSTRUCT ACROSS OR ALONG A STREAM
AND / OR WATER QUALITY CERTIFICATION

Chapter 151 of the Kentucky Revised Statutes requires approval from the Division of Water prior to any construction or other activity in or along a stream that could in any way obstruct flood flows or adversely impact water quality. *If the project involves work in a stream, such as bank stabilization, dredging or relocation, you will also need to obtain a 401 Water Quality Certification (WQC) from the Division of Water.* This completed form will be forwarded to the Water Quality Branch for WQC processing. The project may not start until all necessary approvals are received from the KDOW. For questions concerning the WQC process, contact the WQC section at 502/564-3410.

If the project will disturb more than 1 acre of soil, you will also need to complete the attached Notice of Intent for Storm Water Discharges, and return both forms to the Floodplain Management Section of the KDOW. This general permit will require you to create and implement an erosion control plan for the project.

1. **OWNER:** Padua Stables (KY), LLC, c/o Satish Sanan
Give name of person(s), company, governmental unit, or other owner of proposed project.
MAILING ADDRESS: 2500 Old Frankfort Pike
Lexington, KY 40510
TELEPHONE #: 859-388-9292 **EMAIL:** _____
2. **AGENT:** Richard Clausen, Redwing Ecological Services, Inc.
Give name of person(s) submitting application, if other than owner.
ADDRESS: 1139 S. 4th Street
Louisville, KY 40203
TELEPHONE #: (502) 625-3009 **EMAIL:** rclausen@redwingeco.com
3. **ENGINEER:** _____ **P. E. NUMBER:** _____
Contact Division of Water if waiver can be granted.
TELEPHONE #: _____ **EMAIL:** _____
4. **DESCRIPTION OF CONSTRUCTION:** _____
Describe the type and purpose of construction and describe stream impact.

The project involves the resolution of a Notice of Violation issued by the KDOW for unauthorized impacts to four intermittent streams totaling 4,396 feet. The streams were impacted in 2008 through the placement of pipe and grading to improve the on-site pastures. As mitigation for the impacts, 4,122 feet of intermittent stream will be restored to pre-existing conditions and 1,337 feet of intermittent stream will be enhanced through the establishment of a wooded riparian corridor. The remaining required mitigation will be performed through the payment of an in-lieu to the Kentucky Stream and Wetland Mitigation Fund. Five permanent streams crossings will be left totaling 274 feet.
5. **COUNTY:** Fayette **NEAREST COMMUNITY:** Lexington
6. **USGS QUAD NAME:** Lexington West **LATITUDE/LONGITUDE:** N 38.07070°, W 84.56662°
7. **STREAM NAME:** One unnamed tributary to Wolf Run and three unnamed tributaries to Town Branch
WATERSHED SIZE (in acres): Stream 2-234 acres; Stream 3- 232 acres; Stream 4- 55 acres; Stream 5-47 acres
8. **LINEAR FEET OF STREAM IMPACTED:** 4,396 feet of intermittent stream
9. **DIRECTIONS TO SITE:**
From Frankfort: Take Interstate 64 east to Exit 58 (US-60E/Versailles Rd). Go right on Versailles Road. Go approximately 8.5 miles to Midway Road/US-62. Go left on US-62. Go approximately 4.3 miles to Old Frankfort Pike. Go right on Old Frankfort Pike. Go approximately 8.8 miles to Padua Stables on the right.

10. IS ANY PORTION OF THE REQUESTED PROJECT NOW COMPLETE? Yes If yes, identify the completed portion on the drawings you submit and indicate the date activity was completed. DATE: Summer 2008
11. ESTIMATED BEGIN CONSTRUCTION DATE: (Restoration) May 2010
12. ESTIMATED END CONSTRUCTION DATE: (Restoration) November 2010
13. HAS A PERMIT BEEN RECEIVED FROM THE US ARMY, CORPS OF ENGINEERS? Yes ☐ No ☒ If yes, attach a copy of that permit.
14. THE APPLICANT *MUST* ADDRESS PUBLIC NOTICE:
(a) PUBLIC NOTICE HAS BEEN GIVEN FOR THIS PROPOSAL BY THE FOLLOWING MEANS:
Public notice in newspaper having greatest circulation in area (provide newspaper clipping or affidavit)
Adjacent property owner(s) affidavits (Contact Division of Water for requirements)
(b) NA I REQUEST WAIVER OF PUBLIC NOTICE BECAUSE:
- an application for this project was previously submitted dated July 10, 2009
15. I HAVE CONTACTED THE FOLLOWING CITY OR COUNTY OFFICIALS CONCERNING THIS PROJECT:
(Give name and title of person(s) contacted and provide copy of any approval city or county may have issued):
16. LIST OF ATTACHMENTS: See application package for site drawings.
List plans, profiles, or other drawings and data submitted. Attach a copy of a 7.5 minute USGS topographic map clearly showing the project location.
Stream Restoration and Monitoring Plan
17. I, BATISH K. SARAN (owner) CERTIFY THAT THE OWNER OWNS OR HAS EASEMENT RIGHTS ON ALL PROPERTY ON WHICH THIS PROJECT WILL BE LOCATED OR ON WHICH RELATED CONSTRUCTION WILL OCCUR (including, for dams, the area that would be impounded during the design flood).
18. REMARKS:

I hereby request approval for construction across or along a stream as described in this application and any accompanying documents. To the best of my knowledge, all of the information provided is true and correct.

SIGNATURE: *Batish K. Saran*

Owner or Agent sign here. (If signed by an Agent, a Power of Attorney should be attached.)

DATE: _____

SIGNATURE OF LOCAL FLOODPLAIN COORDINATOR: _____

Permit application will be returned to applicant if not properly endorsed by the local floodplain coordinator.

DATE: _____

SUBMIT APPLICATION AND ATTACHMENTS TO:

Floodplain Management Section
Division of Water
14 Reilly Road
Frankfort, Kentucky 40601